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Of Counsel to:
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237817
ENTERED
Office of Proceedings
February 26, 2015
Part of
Public Record

February 24, 2015

The Honorable Cynthia T. Brown, Chief
Section of Administration
Surface Transportation Board
395 E Street, SW, Ste. 1260
Washington, DC 20423-0001

Re: Knox and Kane Railroad Company – Abandonment Exemption –
Clarion County, PA; Docket No. AB-551 (Sub No. 2X)

Dear Ms. Brown:

Enclosed for filing in the above captioned proceeding are the signed original (unbound) and ten (10) bound copies of the following documents:

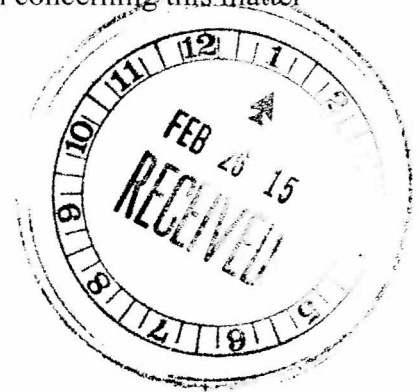
1. Notice of Exemption of Knox and Kane Railroad Company for the abandonment of 3.9 miles rail line in McKean County, PA; and
2. Environmental and Historical Reports pursuant to 49 C.F.R. §§1105.7 and 1105.8.

Enclosed please find a check in the amount of \$3,800 in payment of the filing fee for this proceeding.

Please direct any comments or requests for additional information concerning this matter to the undersigned.

FILED
February 26, 2015
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
February 26, 2015
SURFACE
TRANSPORTATION BOARD



The Honorable Cynthia T. Brown, Chief
February 24, 2015
Page 2

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter and return it to the undersigned in the self addressed, stamped envelope provided for that purpose.

Very truly yours,

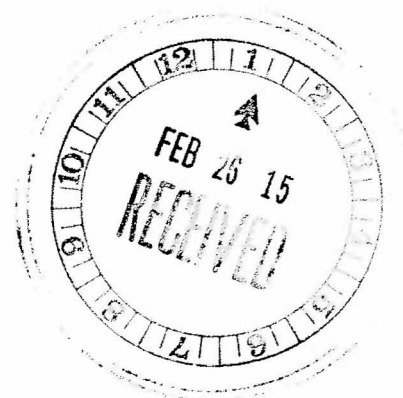
RICHARD R. WILSON, P.C.

A handwritten signature in cursive script that reads "Richard R. Wilson".

Richard R. Wilson, Esq.

RRW/bab

xc: Knox and Kane Railroad Company
Headwaters Charitable Trust
Surface Transportation Board – Section of Environmental Analysis



Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-551 (Sub No. 2X)

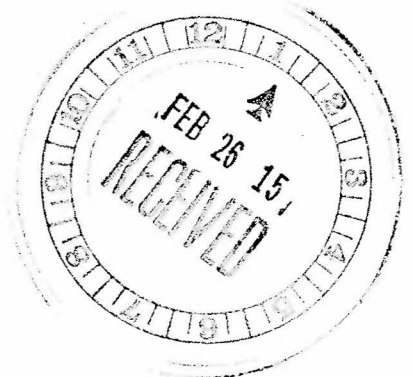
**KNOX AND KANE RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
MCKEAN COUNTY, PENNSYLVANIA**

NOTICE OF EXEMPTION

RICHARD R. WILSON, ESQ.
Counsel for Knox and Kane
Railroad Company

RICHARD R. WILSON, P.C.
518 N. Center Street, Ste. 1
Ebensburg, PA 15931
(814) 419-8152
(814) 419-8156

February 24, 2015



Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-551 (Sub No. 2X)

**KNOX AND KANE RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
MCKEAN COUNTY, PENNSYLVANIA**

NOTICE OF EXEMPTION

Knox and Kane Railroad Company ("Knox & Kane") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. 1152.50. This Notice of Exemption is for the abandonment of the line of railroad between Mt. Jewitt, PA (Milepost 165.2) and the Kinzua Bridge (Milepost 169.1) extending in a generally northeasterly direction a distance of 3.9 miles in McKean County, PA. A map showing the line is attached as Appendix A.

In accordance with the Board's regulations, Knox & Kane makes the following responses:

Response to 49 C.F.R. §1152.50(d)(2):

1. Proposed Consummation Date. Knox & Kane intends to proceed with the proposed sale of this rail line under a Notice of Interim Trail Use. Knox & Kane has, agreed with Headwaters Charitable Trust ("HCT") to the imposition of a Notice of

Interim Trail Use incident to this abandonment proceeding and for the sale of the line to HCT conditioned on the Board's imposition of a Notice of Interim Trail Use.¹

2. Certification Required in §1152.50(b). The required certification is set forth as Exhibit 1 to this Notice of Exemption.

3. Information Required in §1152.22(a)(1-4), (7), (8) and (e)(4).

(a) **General.**

(1) **Exact name of applicants:** Knox and Kane Railroad Company.

(2) **Whether the applicants are a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105:** The Knox and Kane Railroad Company is a non-operating common carrier railroad and is subject to the provisions of Title 49, United States Code.

(3) **Whether the carriers which own or operate the line of railroad to be abandoned or over which service is to be discontinued is part of any railroad system:** Knox & Kane is not part of any other railroad system.

(4) **Relief sought:** Knox & Kane seeks the imposition of a Notice of Interim Trail Use for the 3.9 mile line extending from Mt. Jewitt, Pennsylvania to the Kinzua Bridge so the line can be conveyed to HCT incident to this abandonment

¹ A 69.9 mile segment of the Knox & Kane line extending from Clarion Junction, PA to Mt. Jewitt, PA has already been rail banked under a Notice of Interim Trail Use in STB Docket No. AB-551 (Sub No. 1X). The remaining 3.9 miles from Mt. Jewitt, PA to the Kinzua Bridge was acquired by Knox & Kane under authorization issued in 1987 in STB Finance Docket No. 31018 and has not been previously abandoned. This 3.9 mile segment will connect the 69.9 mile line segment to the Kinzua Bridge State Park.

proceeding under the provisions of the National Trail Systems Act.²

(5) **Name, title and address of representative of applicants**

to whom correspondence should be sent: Richard R. Wilson, Esq., 518 N. Center Street, Ste. 1, Ebensburg, PA 15931, (814) 419-8152.

(6) **List of all United States Postal Service zip codes that the**

line proposed for abandonment and discontinuance of services transverses: The line in question passes through the following United States Postal Service zip code: 16740.

(b) **Rural and Community Impact.**

(1) **Statement of whether the property proposed to be**

abandoned and discontinued for service are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicants are aware of any restrictions on the title to the property, including any reversionary

² Knox & Kane filed this notice of exemption with the Board under the two year out of service provisions of 49 CFR 1152.50(b) and has not separately sought exemption from the offer of financial assistance provisions of 49 U.S.C. § 10904. However, in circumstances such as those present in this proceeding where the parties have agreed to use the right-of-way for an alternative valid public purpose and there is no overriding public need for continued rail service, the Board has exempted such transactions from the OFA requirements of 49 U.S.C. § 10904. See *Union Pacific Railroad Company—Abandonment Exemption—In Salt Lake County, UT*, STB Docket No. AB-33 (Sub-No. 116X) (STB served Sept. 30, 1998); *K&E Railway Company—Abandonment Exemption—In Alfalfa, Garfield, and Grant Counties, OK and Barber County, KS*, STB Docket No. AB-480X (STB served Dec. 31, 1996), slip op. at 4, citing *Southern Pacific Transportation Company—Discontinuance of Service Exemption—In Los Angeles County, CA*, Docket No. AB-12 (Sub-No. 172X), et al. (ICC served Dec. 23, 1994); *Missouri Pacific Railroad Company—Abandonment—In Harris County, TX*, Docket No. AB-3 (Sub-No. 105X) (ICC served Dec. 22, 1992); *Chicago & North Western Transportation Company—Abandonment Exemption—In Blackhawk County, IA*, Docket No. AB-1 (Sub-No. 226X), et al. (ICC served July 14, 1989); and *Iowa Northern Railway Company—Abandonment—In Blackhawk County, IA*, Docket No. AB-284 (Sub-No. 1X) (ICC served Apr. 1, 1988). Applicant notes that exemption of this transaction from § 10904 would be consistent with the provisions of 49 CFR § 1152.50(b) and § 1152.50(d)(5) were the Board inclined to do so on its own motion.

interest which would affect the transfer of title or the use of property for other than rail purposes, this should be disclosed:

The involved property is appropriate for public recreational trail use and as previously indicated, Knox & Kane will enter into a sale agreement with HCT under which this line will be sold and conveyed by Knox & Kane to HCT subject to a Notice of Interim Trail Use which Knox & Kane and HCT request that the Board impose in this proceeding. The proposed use of the right of way for a recreational trail has broad community support. See STB decision in STB Docket No. AB-551 (Sub No. 1X). Knox and Kane is not aware of any reversionary interests which would affect the transfer of title or the use of the property for recreational trail purposes incident to a Notice of Interim Trail Use.

4. Level of Labor Protection. Knox & Kane is a nonoperating railroad common carrier and has no employees. Accordingly, this transaction will not result in the elimination of any jobs by Knox & Kane. Moreover, the 3.9 mile line has been out of service for more than two years and no active rail operations have been provided on the line by Knox & Kane during that time.

5. Certificate of Compliance with Notice Requirements of §1152.50(d)(1).
The required certificate is set forth as Exhibit 2 to this Notice of Exemption.


6. Environmental and Historical Reports. An Environmental Report and a Historical Report prepared in accordance with 49 C.F.R. §1105.7 are attached as Appendix B1 and B2 to this Notice of Exemption. The Environmental and Historical

1 2x
Reports are filed with the Board's Section of Environmental Analysis contemporaneously herewith.

7. Verification. The required verification is set forth as Exhibit 3 to this Notice of Exemption.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: 
Richard R. Wilson, Esq,
Knox and Kane Railroad Company

Dated: February 24, 2015

EXHIBIT 1

Certification Required in 49 C.F.R. §1152.50(d)

In accordance with 49 C.F.R. §1152.50(d), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket No. AB-551 (Sub No. 2X)

(1) No local traffic has moved over the line for at least two years prior to the date hereof;

(2) There is no overhead traffic on the line; and

(3) No formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof.

The foregoing certification is made on behalf of Knox & Kane Railroad Company by the undersigned, and after due and careful investigation of the matters herein certified and based on the best knowledge, information, and belief of the undersigned.



Richard R. Wilson, Esq.

Dated: February 24, 2015

EXHIBIT 2

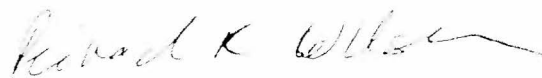
Certification of Compliance with Notice Requirement of
(A) 49 C.F.R. §1152.50(d)(1) and (B) 49 C.F.R. §1105.11

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby certify that:

(A) On December 11, 2014, I served, by U.S. First Class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1) upon the Pennsylvania Public Utility Commission or equivalent agency of the Commonwealth of Pennsylvania in which the line proposed for abandonment in this docket is situated and upon the Military Surface Deployment and Distribution Command (formally the Military Traffic Management Command) of the U.S. Department of Defense and other addressees as required by Board regulations.

(B) On December 11, 2014, I served, by U.S. First Class mail, postage prepaid, the notice required by 49 C.F.R. §1105.11 upon the designated agencies of the states in which the line proposed for abandonment in this docket is situated.

(C) On January 23, 2015, I had the appropriate newspaper notice set forth at 49 C.F.R. §1105.12 published in newspapers of general circulation in McKean County, Pennsylvania.



Richard R. Wilson, Esq.

Dated: February 24, 2015

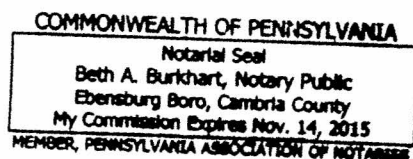
VERIFICATION

Richard R. Wilson, being duly sworn, states that he is authorized to verify and file with the Surface Transportation Board the forgoing Notice of Exemption in Docket No. AB-551 (Sub No. 2X) on behalf of Knox & Kane Railroad Company; that he has carefully examined all of the statements in the Notice of Exemption; and that he has knowledge of the facts and matters relied upon in that Notice of Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.

Richard R. Wilson

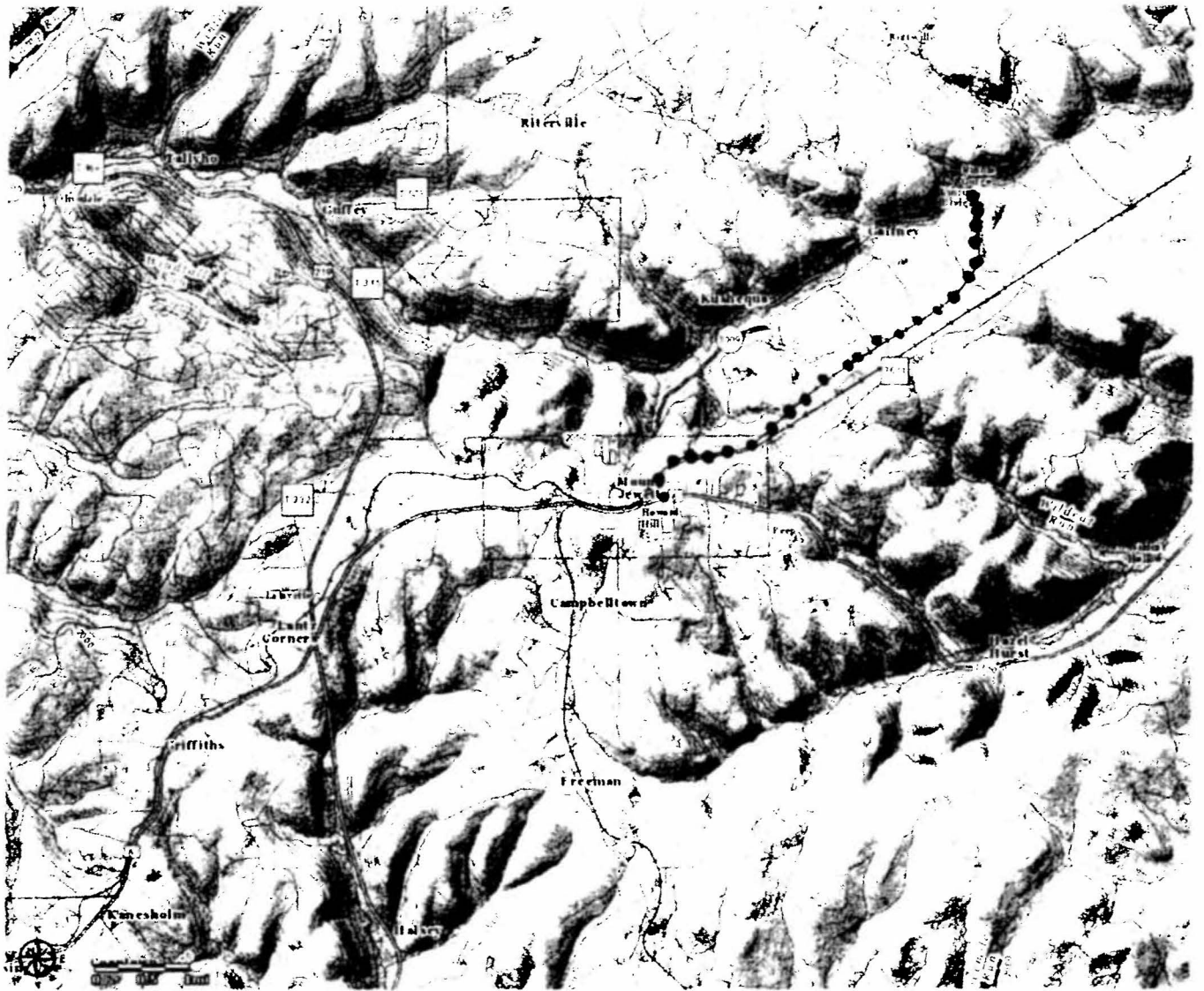
this 24th day of February, 2015

My Commission expires:



APPENDIX A

MAP



APPENDIX B

ENVIRONMENTAL AND
HISTORICAL REPORT

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-551 (Sub No. 2X)

**KNOX AND KANE RAILROAD COMPANY - ABANDONMENT
EXEMPTION – IN MCKEAN COUNTY, PENNSYLVANIA**

ENVIRONMENTAL REPORT

RICHARD R. WILSON, ESQ.
Counsel for Knox and Kane Railroad
Company

RICHARD R. WILSON, P.C.
518 N. Center Street, Ste. 1
Ebensburg, PA 15931
(814) 419-8152
(814) 419-8156 FAX

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-551 (Sub No. 2X)

**KNOX AND KANE RAILROAD COMPANY - ABANDONMENT
EXEMPTION – IN MCKEAN COUNTY, PENNSYLVANIA**

ENVIRONMENTAL REPORT

Knox and Kane Railroad Company ("Knox & Kane") files this Environmental Report pursuant to the Board's regulations at 49 C.F.R. §1105.7. This Environmental Report is for Knox and Kane's abandonment of 3.9 miles of railroad line between Mt. Jewitt, PA and the Kinzua Bridge. A map showing this line is attached to this Environmental Report (Appendix A). In accordance with the aforesaid regulations and based on written responses received from governmental agencies set forth in Appendix C, Knox & Kane make the following responses:

The following information is provided in accordance with 49 C.F.R. §1105(7)(e):

1. Alternatives.

Have alternatives to the proposed action (e.g., no action or partial approval) been considered? If so, summarize the major environmental impacts associated with each alternative.

Answer: In view of the fact that there has been no overhead traffic and no local traffic on the rail line for over two years, applicant believes there are no alternatives to abandonment and discontinuance of service. The Kovalchick Corporation presently owns the 3.9 mile Knox & Kane right of way, subject to Knox & Kane

operating rights. Given the absence of any traffic or freight revenues, applicant believes that there is no prospect for successful rail operation and that conveyance of the line to Headwaters Charitable Trust ("HCT") under a Notice of Interim Trail Use for recreational purposes is the only appropriate disposition of this line. The Knox & Kane line from Milepost 95.3 to Milepost 165.2 at Mt. Jewitt was railbanked in STB Docket No. AB-551(Sub No. 1X) and will be conveyed to HTC for trail purposes but that proceeding did not include the Knox & Kane line from Milepost 165.2 at Mt. Jewitt to the Kizua Bridge originally acquired by Knox & Kane in 1987 in ICC Finance Docket 31018.

2. Transportation Systems

a. Will existing regional or local transportation systems or patterns be substantially affected? If so, describe the effect.

Answer: There will be no affect on regional or local transportation systems as a result of this transaction.

b. Will traffic (passenger or freight) be diverted to other transportation modes or systems? If so, quantify the extent of the expected diversion.

Answer: There is no passenger or freight traffic on the line and no diversions will occur. Traffic formerly transported on the line was diverted many years ago to alternative rail lines or modes without adverse impact on regional or local transportation systems.

3. Land Use.

a. Is the proposed action consistent with regional and/or local land use plans (local and/or regional planning agencies should be consulted in this regard)? If not, describe any inconsistency.

Answer: The proposed action is consistent with regional and local land use plans. Conversion of the railroad right of way to recreational trail use by HCT is broadly supported throughout McKean County.

- b. Is a designated coastal zone management area involved?

Answer: This line does not fall within a designated coastal zone management area.

- c. Are designated wet lands or 100 year flood plains affected? If so, describe the effects.

Answer: It is believed that no designated wetlands or 100 year flood plains will be affected by this abandonment.

- d. Are prime agricultural lands, as designated by the Soil Conservation Service, affected? If so, describe the effects.

Answer: No prime agricultural land will be affected by the discontinuance of rail service and the proposed conversion of the right of way to recreational trail use.

4. Energy.

- a. Will the development or transportation of energy resources be affected? If so, describe the effects.

Answer: The development or transportation of energy resources will not be affected by the proposed action inasmuch as the rail line has been out of service for over two years and was not utilized for the transportation of grain or other energy resources.

- b. Will the movement and/or recovery of recyclable commodities be affected? If so, describe the effects.

Answer: The abandonment of service will have no affect on the movement and/or recovery of recyclable commodities since there has been no traffic on this line for over two years and it was not previously used for the movement of those commodities.

c. Will the proposed action cause diversion of traffic from rail to motor carriers in excess of (a) 1,000 rail carloads per year; or (b) the average of 50 rail carloads per year for all or any part of an affected rail line?

Answer: The proposed abandonment will not cause any diversion from rail to motor carrier inasmuch as any diversion occurred over two years ago.

5. Air.

Will the proposed action result in (1) a minimum increase in rail traffic of 50% or three trains per day on an affected rail line, (2) an increase in rail yard activity of 20% as measured in carload activity, or (3) an increase in motor vehicle traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10% of the average daily traffic on a given highway segment?

Answer: No.

6. Noise.

If any of the thresholds identified in Item (5) are surpassed, will the proposed action cause an increase in noise levels exceeding either (1) a four decibel increment increase or (2) a 65 decibel increase.

Answer: The above thresholds will be not be exceeded.

7. Safety.

Will public health or safety (including vehicle delay time at railroad grade crossings) be affected?

Answer: There will be no affect on public health or safety including grade crossing delay times as a result of the proposed abandonment. Public health and safety will be enhanced by the subsequent development and use of the Knox & Kane line for recreational trail purposes.

8. Wildlife.

a. Will endangered or threatened species be affected or will the critical habitats be destroyed or modified?

Answer: No destruction or modification of critical habitats or affect on endangered or threatened species will be occasioned by this transaction or by rail salvage operations.

b. Will wildlife sanctuaries or refuges, national or state parks or forests be affected?

Answer: No wildlife sanctuaries or refuges, national or state parks or forests will be adversely affected by the abandonment.

9. Water.

a. Is the proposed action consistent with applicable federal, state and/or local water quality standards?

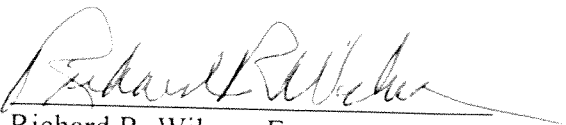
Answer: No action inconsistent with federal, state and/or local water quality standards is contemplated.

b. Will permits under Section 403 of the Federal Water Pollution Control Act be required?

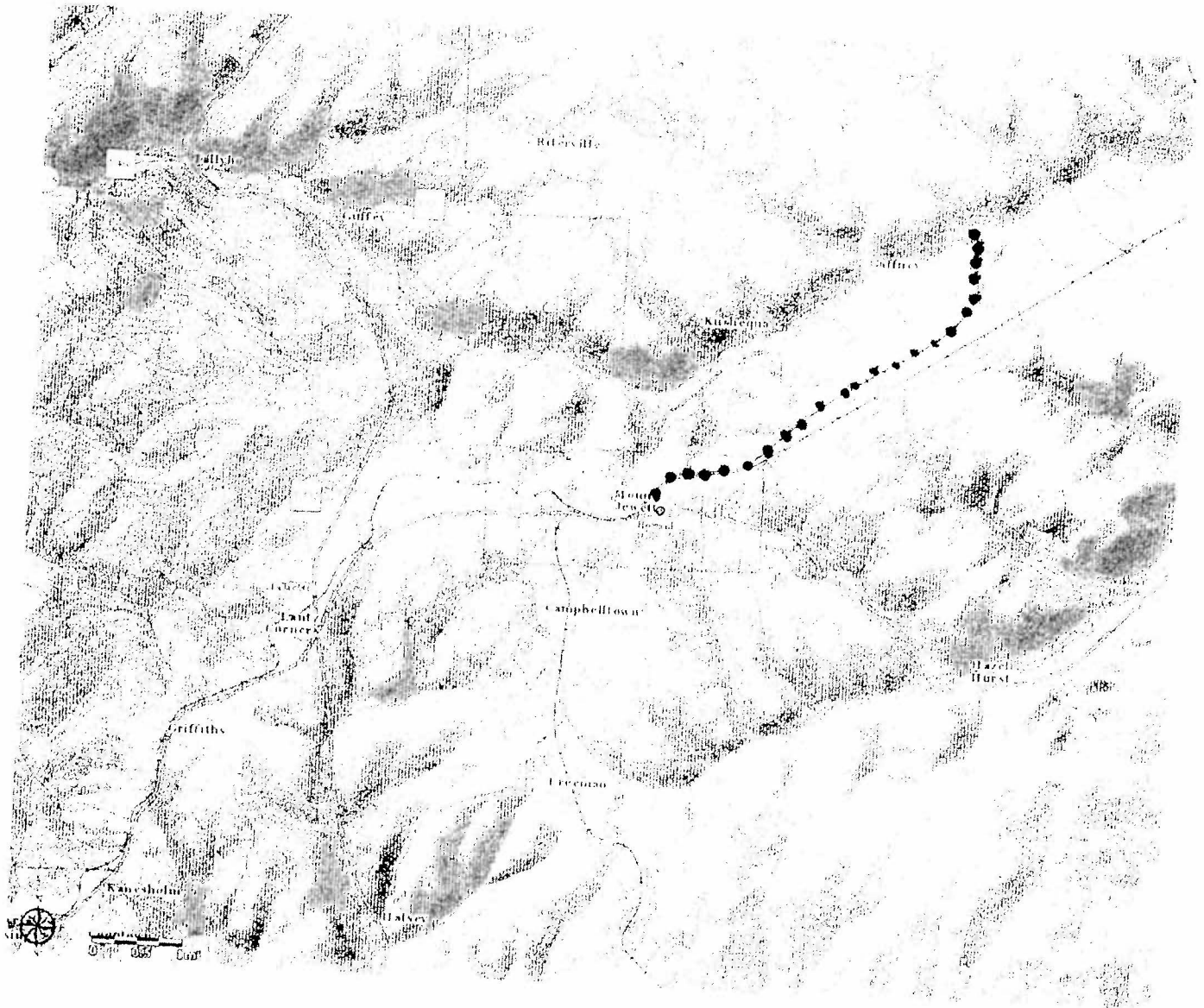
Answer: No permits under Section 403 will be required.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: 
Richard R. Wilson, Esq.

RICHARD R. WILSON, P.C.
518 N. Center Street
Ebensburg, PA 15931
(814) 419-8152



LETTERS OF INTENT
AND
REQUESTS FOR COMMENTS
ON HISTORICAL AND ENVIRONMENTAL REPORTS

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

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Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

U.S. Army Corps of Engineers Office

Wanamaker Building

100 Penn Square East

Philadelphia, PA 19107-3390

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

Dear Sir:

Please be advised that Knox and Kane Railroad Company is preparing to abandon 3.9 miles of railroad line between Mt. Jewett, PA and the Kinzua Bridge. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with these proceedings, federal regulations at 49 C.F.R. §1105.11(c) require the railroad to consult with various agencies and obtain information required for preparation of environmental and historical reports. We have enclosed draft Environmental and Historic Report for your review and comment. In this connection, would you please respond to us with written comments pertaining to the matters addressed in these reports which fall within the jurisdiction of your agency.

We are providing you with these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe pertinent information is missing or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis, Surface Transportation Board, 395 E. Street, SW, Washington, DC 20123-0001 and refer the above noted docket numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the SEA (with a copy to the undersigned attorney) would be appreciated within three weeks from the date of this letter. Please note our change of address noted in the letterhead above.

U.S. Army Corps. of Engineers
January 28, 2015
Page 2

Thank you for your participation in this process.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, appearing to read "Richard R. Wilson".

Richard R. Wilson, Esq.

RRW/bab
Enclosures

RICHARD R. WILSON, P.C.

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851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

U.S. Fish & Wildlife Service - Region 5

300 West Gate Center Drive

Hadley, MA 01035-9589

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company -
Abandonment Exemption in McKean County, PA

Dear Sir:

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U. S. Fish & Wildlife Service - Region 5
January 28, 2015
Page 2

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RICHARD R. WILSON, P.C.

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Richard R. Wilson, Esq.

RRW/bab
Enclosures

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Oakmont, PA 15139

January 28, 2015

U.S. Environmental Protection Agency - Region 3

1650 Arch Street

Philadelphia, PA 19103

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

Dear Sir:

Please be advised that Knox and Kane Railroad Company is preparing to abandon 3.9 miles of railroad line between Mt. Jewett, PA and the Kinzua Bridge. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with these proceedings, federal regulations at 49 C.F.R. §1105.11(c) require the railroad to consult with various agencies and obtain information required for preparation of environmental and historical reports. We have enclosed draft Environmental and Historic Report for your review and comment. In this connection, would you please respond to us with written comments pertaining to the matters addressed in these reports which fall within the jurisdiction of your agency.

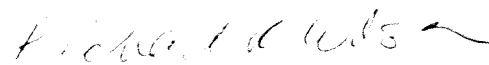
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U.S. Environmental Protection Agency -- Region 3
January 28, 2015
Page 2

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RICHARD R. WILSON, P.C.

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Richard R. Wilson, Esq.

RRW/bab
Enclosures

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January 28, 2015

U.S. National Park Service
Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

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U.S. National Park Service
January 28, 2015
Page 2

Thank you for your participation in this process.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, appearing to read "Richard R. Wilson", written in dark ink.

Richard R. Wilson, Esq.

RRW/bab
Enclosures

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

518 N. Center Street, Ste. 1

Ebensburg, PA 15931

(814) 419-8152

888-454-3817 (Toll Free)

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rwilson@rrwilson.net - Email

www.rrwilsonesq.com - Website

Of Counsel to:

Vuono & Gray LLC

2310 Grant Building

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

PA Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P.O. Box 2777
Harrisburg, PA 17105

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

Dear Sir:

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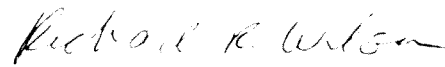
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PA Department of Transportation
January 28, 2015
Page 2

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Very truly yours,

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851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

PA Historical & Museum Commission

Bureau for Historic Preservation

300 North Street

Harrisburg, PA 17120

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

Dear Sir:

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PA Historical & Museum Commission
January 28, 2015
Page 2

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Very truly yours,

RICHARD R. WILSON, P.C.

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Richard R. Wilson, Esq.

RRW/bab
Enclosures

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2310 Grant Building

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

PA Public Utility Commission

400 North Street

Keystone Bldg.

Harrisburg, PA 17120

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

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PA Pubic Utility Commission
January 28, 2015
Page 2

Thank you for your participation in this process.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, appearing to read "Richard R. Wilson", followed by a horizontal flourish.

Richard R. Wilson, Esq.

RRW/bab
Enclosures

RICHARD R. WILSON, P.C.

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Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

PA Department of Environmental Protection

400 Market Street

P.O. Box 2063

Harrisburg, PA 17105

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

Dear Sir:

Please be advised that Knox and Kane Railroad Company is preparing to abandon 3.9 miles of railroad line between Mt. Jewett, PA and the Kinzua Bridge. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with these proceedings, federal regulations at 49 C.F.R. § 1105.11(c) require the railroad to consult with various agencies and obtain information required for preparation of environmental and historical reports. We have enclosed draft Environmental and Historic Report for your review and comment. In this connection, would you please respond to us with written comments pertaining to the matters addressed in these reports which fall within the jurisdiction of your agency.

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PA Department of Environmental Protection
January 28, 2015
Page 2

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Richard R. Wilson, Esq.

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Enclosures

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851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

Natural Resources Conservation Service

USDA

1 Credit Union Place, Ste. 340

Wildwood Center

Harrisburg, PA 17110

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

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Natural Resources Conservation Service
January 28, 2015
Page 2

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Pittsburgh, PA 15219

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(412) 471-4477 FAX

851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

Board of Commissioners

McKean County

500 W. Main Street

Smethport, PA 16749

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company –
Abandonment Exemption in McKean County, PA

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Board of Commissioners
January 28, 2015
Page 2

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(412) 471-4477 FAX

851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

McKean County Planning Commission

17137 Route 6

Smethport, PA 16749

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McKean County Planning Commission
January 28, 2015
Page 2

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Richard R. Wilson, Esq.

RRW/bab
Enclosures

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851 Twelfth Street
Oakmont, PA 15139

January 28, 2015

NOAA, N/NGS12

National Geodetic Survey SSMC-3, #9202

1315 East-West Highway

Silver Spring, MD 20910-3282

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NOAA, N/NGS12

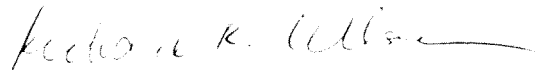
January 28, 2015

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851 Twelfth Street

Oakmont, PA 15139

January 28, 2015

Director, Bureau of State Parks
PA Department of Conservation and
Natural Resources
P.O. Box 8551
Harrisburg, PA 17105

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Abandonment Exemption in McKean County, PA

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Director, Bureau of State Parks
January 28, 2015
Page 2

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Enclosures

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A Professional Corporation

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Ebensburg, PA 15931**

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Oakmont, PA 15139

Of Counsel to:
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2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
(412) 471-4477 FAX

January 28, 2015

Military Surface Deployment and
Distribution Command
Scott Air Force Base
1 Soldier Way
Scott AFB, IL 62225

Re: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company --
Abandonment Exemption in McKean County, PA

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Military Surface Deployment
January 28, 2015
Page 2

Thank you for your participation in this process.

Very truly yours,

RICHARD R. WILSON, P.C.

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Richard R. Wilson, Esq.

RRW/bab
Enclosures

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 11th day of December, 2014 he did serve a true and correct copy of the foregoing Environmental Report upon the following by first class mail, postage prepaid at the addresses set forth below:

U.S. Army Corps. of Engineers Office
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

U.S. Fish & Wildlife Service – Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589

U.S. Environmental Protection Agency-
Region 3
1650 Arch Street
Philadelphia, PA 19103

U.S. National Park Service
Northeast Region
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

PA Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P.O. Box 2777
Harrisburg, PA 17105

PA Historical & Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

PA Public Utility Commission
400 North Street
Keystone Bldg.
Harrisburg, PA 17120

PA Department of Environmental
Protection
400 Market Street
P.O. Box 2063
Harrisburg, PA 17105

Natural Resources Conservation Service
USDA
1 Credit Union Place, Ste. 340
Wildwood Center
Harrisburg, PA 17110

Board of Commissioners
McKean County
500 W. Main Street
Smethport, PA 16749

McKean County Planning Commission
17137 Route 6
Smethport, PA 16749

NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

Director Bureau of State Parks
PA Department of Conservation and
Natural Resources
P.O. Box 8551
Harrisburg, PA 17105

Military Surface Deployment and
Distribution Command
Scott Air Force Base
1 Soldier Way
Scott AFB, IL 62225

Headwaters Charitable Trust
109 Brady Street, 2nd Floor
DuBois, PA 15801

A handwritten signature in black ink, appearing to read "Richard R. Wilson", written over a horizontal line.

Richard R. Wilson, Esq.



United States Department of Agriculture

December 29, 2014

Richard R. Wilson, P.C.
127 Lexington Avenue, Suite 100
Altoona, PA 16601

Subject: Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company -
Abandonment Exemption in McKean County, PA

Dear Mr. Wilson:

The USDA-Natural Resources Conservation Service (NRCS) has reviewed the draft Environmental Report and the draft Historic Report for the abandonment of 3.9 miles of railroad line from Mt. Jewett, PA to the Kinzua Bridge by the Knox and Kane Railroad.

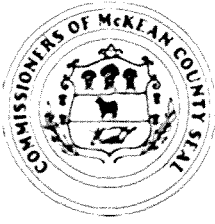
NRCS has no comments on both Reports.

Respectfully,

A handwritten signature in black ink, appearing to read "John Metrick", written over a horizontal line.

John Metrick,
Natural Resource Specialist

cc: W. Hosea Latshaw, NRCS-PA State Conservation Engineer



McKean County

Planning Commission

Jeremy S. Morey, Director
jsmorey@mckeancountypa.org
Phone: 814-887-2754

17137 U.S. Route 6
Smethport, PA 16749
Fax-814-887-3234

Laura Lord, Asst. Planner
lmlord@mckeancountypa.org
Phone: 814-887-2348

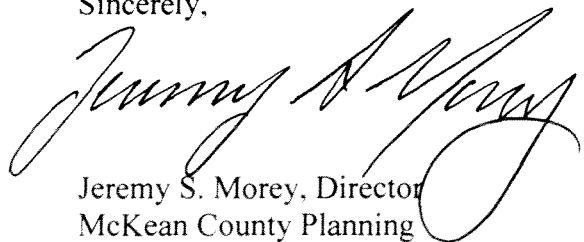
February 3, 2015

Dear Sir,

I have read through the prepared documentation regarding Docket No. AB551 (Sub No. 2X) Knox and Kane Railroad Company- Abandonment Exemption in McKean County, PA. There is one correction to be found. On pages 2 and 3 of the Historical Report, the town of Mt. Jewitt, PA is referenced. The town is correctly spelled Mt. Jewett, PA. All remaining information contained in the provided reports is accurate and no pertinent information is omitted.

Thank you for the opportunity to review the reports and offer my comments. If you have any questions or concerns, please feel free to contact me at my office.

Sincerely,



Jeremy S. Morey, Director
McKean County Planning

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-551 (Sub No. 2X)

**KNOX AND KANE RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
MCKEAN COUNTY, PENNSYLVANIA**

HISTORICAL REPORT

RICHARD R. WILSON, ESQ.
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Railroad Company

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518 N. Center Street, Ste. 100
Ebensburg, PA 15931
(814) 419-8152- PHONE
(814) 419-8156- FAX

December 11, 2015

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB- 551(Sub No. 2X)

HISTORICAL REPORT

Pursuant to a Notice of Exemption to be filed under 49 C.F.R. Part 1152.50, Knox and Kane Railroad Company ("Knox and Kane") proposes to abandon approximately 3.9 miles of rail line between Mt. Jewitt, Pennsylvania and the Kinzua Bridge in the Kinzua Bridge State Park. The sections of this Historical Report are numbered in the same sequence as the information requests set forth in 49 C.F.R. Part 1105.8.

Contents Required by 49 U.S.C. §1105.8(d)

- (1) Map. A U.S.G.S. topographical map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

A scaled map of the subject line is attached hereto as Exhibit 1. There is only one railroad structure, a standard single track steel box truss bridge constructed on stone pillars across part of the Kinzua Gorge which is 50 years old or older. This structure has been photographed and preserved in connection with its inclusion in the Kinzua Bridge State Park.

- (2) Description of the Right-of-Way. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

The subject line is a single track line extending from Mt. Jewitt, McKean County, Pennsylvania to the Kinzua Bridge. The underlying right of way is approximately 66 feet

in width and is 3.9 miles in length. The line runs generally in a north easterly direction from Mt. Jewitt, Pennsylvania to the Kinzua Bridge through rolling rural farm land.

- (3) Photographs of Structures. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediate surrounding area.

Photographs of the single track steel truss Kinzua Bridge are available at www.dcnr.statepa.us/kinzuabridge as set forth in Exhibit 2.

- (4) Date(s) of Construction. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

The line was constructed in 1882 by the New York, Lake Erie and Western Railroad Company.

- (5) History of Operations. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

This abandoned railway was built by the New York, Lake Erie and Western Railroad ("NYLE&W") and was completed in 1882. In 1895, the NYLE&W went into bankruptcy and was reorganized into the Erie Railroad, itself merged into the Erie Lackawanna Railroad in 1960.

When first built in 1882, the Kinzua Viaduct was the tallest bridge in the world. It was built to serve the Pittsburgh and Western Railroad that served the coal mines in the north western region of Pennsylvania.

A monument to engineering skill, the bridge was the legacy of Civil War Maj. Gen. Thomas Leiper Kane (1822-1863), whose New York, Lake Erie and Western Coal and Railroad Co. became part of the Erie system. His chief civil engineer was the French-born Octave Chanute (1832-1910), who awarded a construction contract to the

Phoenix Bridge Company of Phoenixville, Pennsylvania, renowned for its patented Phoenix columns – segmental wrought-iron shapes riveted into supports.

Workers placed the cornerstone on September 8, 1881, and assembly of the ironwork began on April 10, 1882. Forty men labored for ninety-four days to fabricate twenty iron towers, which, with girders, weighed 3.1 million pounds. The project cost \$167,000. Trainloads of excursionists from as far away as Pittsburgh and Buffalo visited the Kinzua Viaduct from the day it opened. Promoters touted it as “the eighth wonder of the world” and as the highest or longest railroad bridge in the world. This distinction, if valid, lasted only briefly. Gustave Eiffel’s 401-foot high Gerabit Viaduct in France opened in 1884.

In only eighteen years, growing train and engine weights made the iron bridge obsolete. In the summer of 1900 workers replaced it with a steel structure that had the same dimensions, but was more than twice the weight – 6.7 million pounds. With a force of 100 to 150 men on the job, the new bridge opened on September 25, 1900. After that, Kinzua served well but faded from the public eye.

Eventually, weight, speed limits, and the cost of upkeep took their toll. Heavy loads required two steam engines pulling together, but they had to stop at the viaduct to let one engine cross at a time. Being lighter, diesel locomotives ended this practice, and the last steam engine traversed the bridge on October 5, 1950. Still, the speed limit remained 5 mph.

Skirting the valley was a parallel route, several miles longer, owned by the Baltimore and Ohio Railroad (B&O). In the late 1950s, the Erie reached an agreement to share those tracks and planned to retire Kinzua Viaduct. A final “farewell to the bridge” excursion ran on June 21, 1959.

Scrap dealer Nick Kovalchick bought the structure for dismantling, but realizing its historic value, resold it in 1963 to the Commonwealth of Pennsylvania for public recreation use. Opened in 1970, Kinzua Bridge State Park has since grown to 329 acres, and attracts as many as 150,000 visitors a year.

In 1987, the Knox and Kane Railroad acquired this 3.9 mile line segment under ICC authorization in ICC Docket No. 31018. After inspecting and rehabilitating the bridge, it started running passenger trains across it in August 1987. Carrying as many as 20,000 passengers a year, trains continued to run every summer and fall from then until the summer of 2002 when state officials noticed structural deterioration and closed the bridge.

Emergency repairs had been partially completed in July 2003 when a tornado toppled the eleven tallest towers into the valley below leaving a 1,400 foot gap. Until the collapse, Kinzua remained the fifth highest railroad bridge in North America.

No traffic has originated or terminated on the rail line for at least two (2) years.

There is no prospect of future rail traffic.

- (6) Documents in Possession of Carrier. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

The Knox and Kane Railroad Company does not have any such documents in its possession, other than deeds and valuation maps for the line.

- (7) Historic Structures. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Preservation Office, local historical societies or universities).


The Kinzua Bridge is the only historic structure on the line and it has been included as part of the Kinzua Bridge State Park. In 1977, it was listed on the National Directory of Historic Engineering Landmarks. To the best of applicant's knowledge, information and belief, there is little likelihood that there are archeological resources or any other previously unknown historic properties within the railroad right of way. These opinions are based on applicant's knowledge of the line.

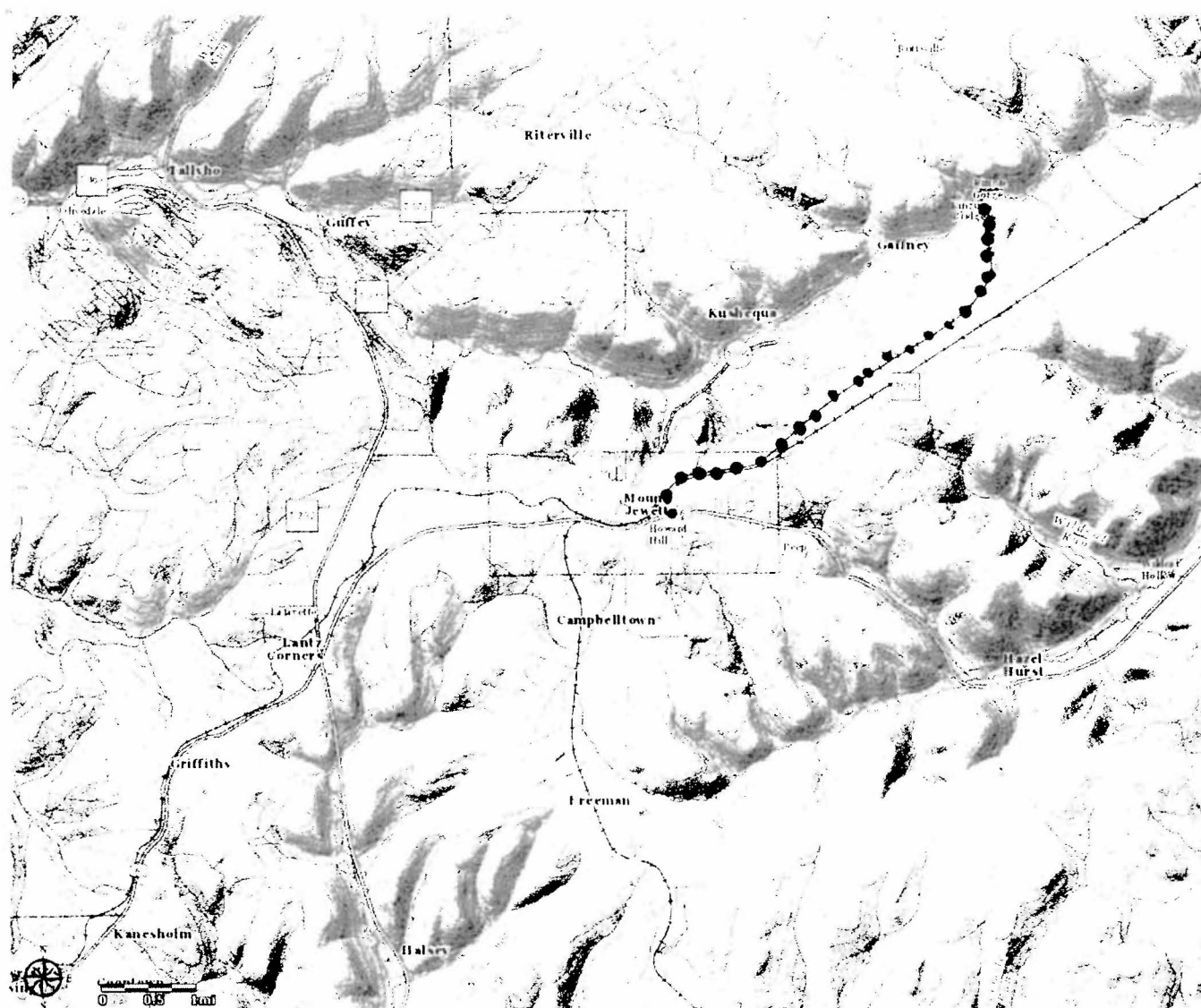
- (8) Conditions Affecting Recovery of Resources. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surround terrain.

To the best of Knox and Kane's knowledge, information and belief, there are no known prior subsurface ground disturbances or fill, or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: 
Richard R. Wilson, Esq.
Attorney for Knox and Kane
Railroad Company



CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 11th day of December, 2014 he did serve a true and correct copy of the foregoing Historical Report upon the following by first class mail, postage prepaid at the addresses set forth below:

U.S. Army Corps. of Engineers Office Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390	Director Bureau of State Parks PA Department of Construction And Natural Resources P.O. Box 8551 Harrisburg, PA 17105-8551
U.S. Fish & Wildlife Service – Region 5 300 West Gate Center Drive Hadley, MA 01035-9589	PA Department of Conservation and National Resources P.O. Box 8551 Harrisburg, PA 17105-8551
U.S. Environmental Protection Agency- Region 3 1650 Arch Street Philadelphia, PA 19103	Military Surface Department and Distribution Command Slott Air Force Base 1 Soldier Way Scott AFB, IL 62225
U.S. National Park Service Northeast Region U.S. Custom House 200 Chestnut St., Fifth Floor Philadelphia, PA 19106	PA Department of Environmental Protection 400 Market Street P.O. Box 2063 Harrisburg, PA 17105
PA Department of Transportation Bureau of Rail Freight, Ports & Waterways P.O. Box 2777 Harrisburg, PA 17105	Natural Resources Conservation Service USDA 1 Credit Union Place, Ste. 340 Wildwood Center Harrisburg, PA 17110
PA Historical & Museum Commission Bureau for Historic Preservation 300 North Street Harrisburg, PA 17105	Board of Commissioners McKean County 500 W. Main Street Smethport, PA 16749
PA Public Utility Commission 400 North Street Keystone Bldg. Harrisburg, PA 17120	McKean County Planning Commission 17137 Route 6 Smethport, PA 16749

NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

Headwaters Charitable Trust
109 Brady Street, 2nd Floor
DuBois, PA 15801

A handwritten signature in cursive script, appearing to read "Richard R. Wilson", written over a horizontal line.

Richard R. Wilson, Esq.

APPENDIX C

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 24th day of February, 2015 he did serve a true and correct copy of the foregoing Notice of Exemption upon the following by first class mail, postage prepaid at the addresses set forth below:

U.S. Army Corps. of Engineers Office
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

U.S. Fish & Wildlife Service – Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589

U.S. Environmental Protection Agency-
Region 3
1650 Arch Street
Philadelphia, PA 19103

U.S. National Park Service
Northeast Region
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

PA Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P.O. Box 2777
Harrisburg, PA 17105

PA Historical & Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

PA Department of Environmental
Protection
400 Market Street
P.O. Box 2063
Harrisburg, PA 17105


Natural Resources Conservation Service
USDA
1 Credit Union Place, Ste. 340
Wildwood Center
Harrisburg, PA 17110

Board of Commissioners
McKean County
500 W. Main Street
Smethport, PA 16749

McKean County Planning Commission
17137 Route 6
Smethport, PA 16749

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Richard R. Wilson, Esq.